

PATENT COOPERATION TREATY

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From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To: CONARD, RICHARD D.
BARNES & THORNBURG
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NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

Date of Mailing
(day/month/year)

19 NOV 2002

Applicant's or agent's file reference

7175-67325

IMPORTANT NOTIFICATION

International application No.

PCT/US00/42333

International filing date (day/month/year)

29 NOVEMBER 2000

Priority Date (day/month/year)

29 NOVEMBER 1999

Applicant

HENLEY, ALAN WAYNE

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/US

Commissioner of Patents and Trademarks
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Washington, D.C. 20231

Authorized officer

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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

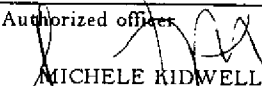
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| Applicant's or agent's file reference 7175-67325 | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) | |
| International application No. PCT/US00/42333 | International filing date (day/month/year) 29 NOVEMBER 2000 | Priority date (day/month/year) 29 NOVEMBER 1999 |
| International Patent Classification (IPC) or national classification and IPC IPC(7): A 61M 3/00, 27/00 and US Cl.: 604/73 543 | | |
| Applicant HENLEY, ALAN WAYNE | | |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets.
☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 0 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of report with regard to novelty, inventive step or industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

| | |
|--|---|
| Date of submission of the demand 05 JUNE 2001 | Date of completion of this report 28 AUGUST 2002 |
| Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 Facsimile No. (703) 305-3230 | Authorized officer  MICHELE KIDWELL Telephone No. (703) 308-0858 |

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/42333

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☒ the description:
pages 1-18, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of
- ☒ the claims:
pages 19-24, as originally filed
pages NONE, as amended (together with any statement) under Article 19
pages NONE, filed with the demand
pages NONE, filed with the letter of
- ☒ the drawings:
pages 1-10, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of
- ☒ the sequence listing part of the description:
pages NONE, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

- ☒ the description, pages NONE
- ☒ the claims, Nos. NONE
- ☒ the drawings, sheets/fig. NONE

5. ☐ This report has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

**Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/42333

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. statement

| | | |
|-------------------------------|--------------------|-----|
| Novelty (N) | Claims <u>3-44</u> | YES |
| | Claims <u>1-2</u> | NO |
| Inventive Step (IS) | Claims <u>3-44</u> | YES |
| | Claims <u>1-7</u> | NO |
| Industrial Applicability (IA) | Claims <u>1-44</u> | YES |
| | Claims <u>NONE</u> | NO |

2. citations and explanations (Rule 70.7)

Claims 1 and 2 lack novelty under PCT Article 33(2) as being anticipated by Wilson (US 4,457,755).

With respect to claim 1, Wilson discloses a control system comprising a vacuum pump, a waste container to be operably coupled to the pump, a fluid source, a drive associated with the fluid source wherein the canister is to be coupled to a bandage such that when a vacuum is applied to the canister, the vacuum is applied to the bandage and wherein the fluid source is to be coupled to the bandage such that when the drive is energized, fluid is introduced into the wound as set forth in col. 3, lines 30-40 and figure 6.

Regarding claim 2, Wilson discloses the control system wherein the fluid source is a syringe to be coupled to the control system, the syringe including a plunger, and the drive being configured to drive the plunger to expel fluid from the syringe as set forth in col. 3, lines 30-40 and figure 6.

Claim 1 lacks novelty under PCT Article 33(2) as being anticipated by Fleischmann (EP 0 880 953).

With respect to claim 1, Fleischmann discloses a control system comprising a vacuum pump, a waste container to be operably coupled to the pump, a fluid source, a drive associated with the fluid source wherein the canister is to be coupled to a bandage such that when a vacuum is applied to the canister, the vacuum is applied to the bandage and wherein the fluid source is to be coupled to the bandage such that when the drive is energized, fluid is introduced into the wound as set forth in col. 6, lines 46-48 and figure 1.

Claims 2-7 lack an inventive step under PCT Article 33(3) as being obvious over Fleischmann (EP 0 880 953).

With reference to claims 2-7 Fleischmann teaches an a control system meeting the limitations of the claims as set forth in col. 7, line 3 to col. 11, line 28 and figures 1-2

Claims 8-44 meet the criteria set out in PCT Article 33(2)-(4), (Continued on Supplemental Sheet.)